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File No.: 9-13528-197US

DATE: February 11, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Peter PHELPS et al.  
**Serial No.:** 10/662,400  
**Filed:** September 16, 2003  
**Title:** METHOD AND APPARATUS FOR PROVIDING GRADES  
OF SERVICE FOR UNPROTECTED TRAFFIC IN AN  
OPTICAL NETWORK

**Agent of Record:** Max R. Wood

**Tel:** (613) 780-8681

**Mail Stop Amendment**  
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U.S.A.

Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**FEE NOT REQUIRED**


Pursuant to the duty of disclosure under 37 CFR 1.56 enclosed is a copy of the International Search Report issued by the European Patent Office against applicants' corresponding International patent application No. PCT/CA2004/001689. The references cited in the Search Report are listed on the attached PTO/SB08A Form and copies of the references (other than U.S. patents and U.S. published applications) are submitted herewith.

Pursuant to 37 CFR 1.97(e), each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Accordingly no late submission fee is believed to be payable. However, should a late submission fee be considered payable, the Commissioner is hereby authorized to charge any required fee to Deposit Account No. 19-5113.

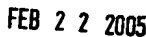
In accordance with 37 CFR 1.97(h), the submission of the present information is not to be construed as an admission that such information is, or is considered to be material to patentability.

The Examiner is kindly requested to consider the references submitted during the examination of the above-identified application, making the references of record, and to return an initialed copy of the PTO/Sb08A Form to the below-signed agent.

Respectfully submitted,  
**Peter PHELPS et al.**

By:   
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MRW/ma  
Encls.



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Sheet	1	of	1
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**Complete if Known**

Application Number	10/662,400
Filing Date	September 16, 2003
First Named Inventor	Peter PHELPS
Art Unit	2661
Examiner Name	
Attorney Docket Number	9-13528-197US

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>2</sup> -Number <sup>4</sup> -Kind Code <sup>3</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		WO 01/67685 A	09-13-2001	LUMINOUS NETWORKS, INC.	See ISR	
		CA 2,317,907	06-23-2001	NORTEL NETWORKS CORPORATION	See ISR	
		CA 2,287,010	06-07-2000	NORTEL NETWORKS CORPORATION	See ISR	

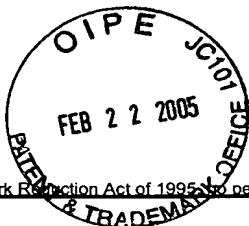
Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/662,400	
	Filing Date	September 16, 2003	
	First Named Inventor	Peter PHELPS	
	Art Unit	2661	
	Examiner Name		
Total Number of Pages in This Submission	118	Attorney Docket Number	9-13528-197US

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Max R. Wood, Reg. No. 40,388
Signature	
Date	February 11, 2005

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